

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JASON BEARD, }
Plaintiff, } Case No. 2:16-cv-00833-JAD-NJK
vs. } ORDER
CAESARS ENTERTAINMENT CORP., et al., } (Docket No. 16)
Defendants. }

Pending before the Court is the parties' joint motion to stay discovery pending resolution of a dispositive motion that Defendants intend to file. Docket No. 16. The Court finds the matter properly resolved without oral argument. *See* Local Rule 78-2.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

¹Conducting this preliminary peek puts the undersigned in an awkward position because the assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned’s “preliminary peek” at the merits of that motion is not intended to prejudice its outcome. *See id.*

In the instant case, Defendants have not yet filed the dispositive motion at issue, and submit that they intend to file it no later than August 4, 2016. Docket No. 16 at 2. As the motion has not yet been filed, the Court cannot engage in the appropriate analysis to determine if discovery should be stayed pending the resolution of that dispositive motion. The parties' deadline to file their proposed joint discovery plan, however, is July 21, 2016. *See* Docket No. 9.

Accordingly, the parties' motion, Docket No. 16, is **DENIED** without prejudice. Nonetheless, the Court **CONTINUES** the deadline to file the parties' proposed joint discovery plan until September 8, 2016. No later than September 8, 2016, the parties must file either a proposed joint discovery plan or a renewed motion to stay.

IT IS SO ORDERED.

DATED: July 22, 2016.

~~NANCY J. KOPPE
United States Magistrate Judge~~